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PATENT

7/14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Burk

Customer No.: 051957

Serial No: 10/621,195

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Filed: July 15, 2003

Group Art Unit: 1618

Examiner: Zohreh A. Fay

For: CYCLOPENTANE  
HEPTAN(ENE)OIC ACID, 2-  
HETEROARYLALKENYL DERIVATIVES  
AS THERAPEUTIC AGENTS

Commissioner for Patents  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION OVER COMMONLY-OWNED PATENTS**

Dear Sir:

The owner, Allergan, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of US Patent Nos. 6,602,900; 6,037,364 and 6,310,087. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above patents are commonly owned and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the above patents, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the

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above patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination granted patent certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

Date: May 31, 2007

By: RJ Baran

ROBERT J. BARAN

- X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.
- X PTO suggested wording for terminal disclaimer was unchanged.

Please direct all correspondence to:

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT-FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE INDICATED BELOW. DEPOSITOR'S NAME:

Signature: RJ Baran Date May 31, 2007